

COPY in 62-B

Opinion

1957

January 8

Herbert L. Whitney, Deputy Marshal  
Board of Fire Control  
Office of Fire Marshal  
Concord, New Hampshire

Dear Herb:

This is in response to your request of December 26 for our opinion as to whether the Fire Marshal may approve the use of wooden fire escapes when in his opinion wood is a more desirable construction material than metal.

Revised Statutes Annotated 155:9 requires that certain structures therein enumerated be "provided with safe and adequate fire escapes consisting of metal stairways, with metal balconies. . . ." RSA 155:11 excepts from the operation of section 9 "buildings which are approved by the board of fire control as provided in section 12." (RSA 155:11 IV). Section 12 authorizes the board of fire control to "set standards defining requirements to insure ready and safe egress in the event of fire, for factories and workshops, more than two stories in height, and to approve buildings which conform to such standards." The board is further authorized to "set such standards for other buildings as defined in section 9 and to approve buildings which conform thereto."

In view of the foregoing provisions it is apparent that the board of fire control may set such standards as it deems appropriate permitting the use of wood instead of metal in the construction of fire escapes.

Very truly yours,

Elmer T. Bourque  
Assistant Attorney General

ETB/T

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